

UNITED STATES DISTRICT COURT

DISTRICT OF SOUTH DAKOTA

SOUTHERN DIVISION

JAMES CHANDLER MOUND,  Petitioner,  vs.  UNITED STATES OF AMERICA,  Respondent.	4:17-CV-04089-KES  ORDER ADOPTING REPORT AND RECOMMENDATION AND DISMISSING CASE
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Petitioner, James Chandler Mound, filed a motion under 28 U.S.C. § 2255 to vacate, set aside, or correct sentence by a person in federal custody. Docket 1. Respondent moved to dismiss the motion. Docket 15. The court referred the motion to Magistrate Judge Veronica Duffy. On December 13, 2017, Magistrate Judge Duffy submitted a report and recommended that Mound's petition be dismissed with prejudice and respondent's motions to dismiss be granted. Docket 17. The time for objections has passed and no objections to the report and recommendation have been filed under 28 U.S.C. § 2254, Rule 8(b)(3). The court has considered the case de novo and adopts the report and recommendation in full. Thus, it is

ORDERED that the magistrate judge's report and recommendation (Docket 17) is adopted in full and respondent's motion to dismiss (Docket 15) is granted.

IT IS FURTHER ORDERED that based upon the reasons set forth herein and under Fed. R. App. P. 22(b), the court finds that petitioner has not made a substantial showing of the denial of a constitutional right. 28 U.S.C. § 2253(c)(2). Therefore, a certificate of appealability is denied.

DATED this January 2, 2018.

BY THE COURT:

/s/ Karen E. Schreier

KAREN E. SCHREIER  
UNITED STATES DISTRICT JUDGE